



Atty. Dkt. No. 029815-0103

IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Sweeney, Patrick J.

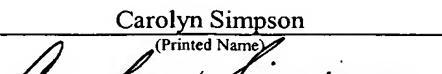
## Title: VERTEBRAL PROSTHESIS

Appl. No.: 10/686,998

Filing Date: 10/16/2003

Examiner: Barrett, Thomas C.

Art Unit: 3738

<b><u>CERTIFICATE OF MAILING</u></b>	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p>	
<p><b>Carolyn Simpson</b>            (Printed Name)</p>	
 (Signature)	
<p><b>November 9, 2005</b>            (Date of Deposit)</p>	

## AMENDMENT TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee	
Total Claims:	43	-	70	=	0	x	\$50.00	=	\$0.00
Independent Claims:	7	-	8	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:				+	\$360.00	=			\$0.00
					CLAIMS FEE TOTAL	=			\$0.00

[ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ]	Extension for response filed within the first month:	\$120.00	\$0.00
[ ]	Extension for response filed within the second month:	\$450.00	\$0.00
[ ]	Extension for response filed within the third month:	\$1,020.00	\$0.00
[ ]	Extension for response filed within the fourth month:	\$1,590.00	\$0.00
[ ]	Extension for response filed within the fifth month:	\$2,160.00	\$0.00
	EXTENSION FEE TOTAL:		\$0.00
[ ]	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
	CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
[ X ]	Small Entity Fees Apply (subtract 1/2 of above):		\$0.00
	TOTAL FEE:		\$0.00

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 11/9/05

By 

FOLEY & LARDNER LLP  
Customer Number: 26371  
Telephone: (414) 297-5897  
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Jeffrey S. Gundersen  
Attorney for Applicant  
Registration No. 47,619



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Carolyn Simpson (Printed Name)	
(Signature)	
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**AMENDMENT AND REPLY UNDER 37 CFR 1.111**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply is responsive to the Non-Final Office Action mailed on September 9, 2005, concerning the above-referenced patent application.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments** begin on page 9 of this document.

Please amend the application as follows: